Final Proposed Agenda 2022-04-14

Please note that all documents referenced in the agenda have been gathered on a Wiki page for convenience and easier access: https://community.icann.org/x/_RQiCw.

This agenda was established according to the GNSO Operating Procedures v3.5, updated on 24 October 2019

For convenience:

- An excerpt of the ICANN Bylaws defining the voting thresholds is provided in Appendix 1 at the end of this agenda.
- An excerpt from the Council Operating Procedures defining the absentee voting procedures is provided in Appendix 2 at the end of this agenda.

GNSO Council meeting held 13:00 UTC: https://tinyurl.com/mwkm43zr

06:00 Los Angeles; 09:00 Washington DC; 14:00 London; 15:00 Paris; 16:00 Moscow; 23:00 Melbourne

GNSO Council Meeting Remote Participation: https://icann.zoom.us/j/92399217049?pwd=WU1GZmIaOTh6NzJ1NndkRVF0MnJEUT09

Councilors should notify the GNSO Secretariat in advance if they will not be able to attend and/or need a dial out call.

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Item 1: Administrative Matters (10 mins)

1.1 - Roll Call

1.2 - Updates to Statements of Interest

1.3 - Review / Amend Agenda

1.4 - Note the status of minutes for the previous Council meetings per the GNSO Operating Procedures:

Minutes of the GNSO Council meeting on 17 February 2022 were posted on 07 March 2022.

Minutes of the GNSO Council meeting on 09 March 2022 were posted on 24 March 2022 .

Item 2: Opening Remarks / Review of Projects & Action List (10 minutes)

2.1 - Review focus areas and provide updates on specific key themes / topics, to include review of Projects List and Action Item List.

Item 3: Consent Agenda (0 minutes)

- None

Item 4: COUNCIL DISCUSSION - Small Team Reviewing the System for Standardized Access/Disclosure (SSAD) Operational Design Assessment Preliminary Draft Report (30 minutes)

On 25 January 2022, the Operational Design Assessment (ODA), the final output of the System for Standardized Access/ Disclosure (SSAD) to Nonpublic generic Top-Level Domain Registration Data Operational Design Phase (ODP) was published. Just prior to the publication of the ODA, the ICANN Board sent a letter to the GNSO Council, outlining some of its concerns as well as questions it hoped to receive input on from the Council. The Council agreed to establish a small team to review the ODA in detail, focusing on the following elements as identified in the assignment form:

- Whether the ODA has correctly interpreted the intent of the SSAD recommendations in the proposed implementation;
- Whether the ODA has overlooked any key aspects of the SSAD recommendations that should be factored in by the ICANN Board when it considers the recommendations;
- Its view on the concerns identified by the ICANN Board and potential options that could be considered, either in the form of changes to the proposed implementation or the policy recommendations themselves, to address these concerns(note, these are expected to be high level suggestions at this stage);
- Any other aspects that help inform the Council's deliberations and consultation with the ICANN Board.

The GNSO Council met with the ICANN Board on 8 March during ICANN73, just prior to the March Council meeting and discussed the ODA and the efforts of the small team. The small team has continued to meet and has focused on an SSAD Proof of Concept while also engaging with members of the Board GDPR Caucus and ICANN org. The small team delivered its preliminary report to Council on 4 April 2022. Here, the Council will discuss the small team's preliminary report and discuss next steps, including providing an update to the ICANN Board on the status of work and expected timing.

4.1 – Introduction of topic (Sebastien Ducos, small team lead)

4.2 – Council discussion

4.3 – Next steps

Item 5: COUNCIL DISCUSSION - Overview of the EPDP on Specific Curative Rights Protections for IGOs Final Report (30 Minutes)

In January of 2020, the GNSO Council approved an Addendum to the All Rights Protection Mechanisms (RPMs) in All gTLDs PDP charter to support work related to Recommendation 5 from the IGO-INGO Access to Curative Rights Protections Mechanisms PDP. During the Council's August meeting, the Council voted to take the procedural step of initiating an EPDP to allow the efforts of the IGO Work Track to continue in an uninterrupted manner, with an EPDP charter that substantively mirrors the Addendum that governed the IGO Work Track.

The EPDP Team published its Initial Report for public comment on 14 September 2021. The EPDP Team duly took into consideration the 33 comments received and made revisions as applicable to its draft recommendations. The EPDP Team completed its deliberations, revised its final recommendations, and prepared its Final Report. The EPDP Team reached full consensus on its five recommendations and delivered its Final Report on 4 April 2022. While the Council will not be voting on the Final Report during this meeting, a draft motion was also shared on 4 April 2022, which continues a recent practice of the Council reviewing and discussing PDP/EPDP final reports in detail prior to voting on them, generally at the subsequent meeting.

Here, the Council will receive an overview of the five recommendations contained in the EPDP Team's Final Report.

5.1 – Introduction of topic (Council leadership)

5.2 – Update (EPDP Team Chair, Chris Disspain) Presentation

5.3 – Council discussion

5.4 – Next steps

Item 6: COUNCIL DISCUSSION - DNS Abuse Small Team (15 minutes)

At ICANN72, the GNSO Council agreed to establish a small team to consider and recommend next steps for the Council related to DNS abuse, if any. An assignment form was drafted and the team held its first meeting 9 February 2022. The team agreed that as a first step, the Council should conduct outreach to interested community groups to better understand what DNS abuse related issues need to be addressed specifically via gTLD policy development. The small team expects to consider this same question amongst its members.

The Council sent outreach letters to the ALAC, GAC, SSAC, and the DNS Abuse Institute, with input due on 4 April 2022 (after an extension was granted).

During the intervening time, the small team has worked to more precisely understand its work, developing and discussing a draft work plan. The work is broken into several phases, starting with the aforementioned outreach to the community, understanding the current landscape of DNS abuse, considering which elements of DNS abuse appear inadequately mitigated AND are in scope for GNSO policy making (if any), then making recommendations on next steps to the Council.

Here, the small team will provide an update on its efforts and explain expected next steps.

6.1 – Introduction of topic (Small team co-leads: Mark Datysgeld & Paul McGrady)

6.2 – Council discussion

6.3 – Next steps

Item 7: COUNCIL DISCUSSION - Closed Generics Small Team Update (15 Minutes)

On 6 March 2022, the ICANN Board sent a letter to both the GNSO and the GAC, inviting them to "explore a mutually agreeable way forward, for which the Board could facilitate a dialogue to formulate a workable framework to identify and handle closed generic applications for the immediate next round of new gTLDs." Shortly thereafter, and as requested by the Board, ICANN org prepared a draft Framing Paper to support the potential collaboration between the GNSO and the GAC.

The Council established a small team to consider both the letter and framework, to determine next steps. To support this work, Council leadership and staff developed an assignment form, which helps make clear the narrow ask of the small team (i.e., whether the GNSO Council is open to working with the GAC to seek to develop a framework on closed generics). All of the more substantive steps, both to determine the parameters and modalities for a potential GNSO/GAC joint group, as well as seeking to establish a framework for closed generics, are out of scope for this small team.

Here, the Council will receive an update on the work of the small team.

7.1 – Introduction of topic (Council leadership)

7.2 – Council discussion

7.3 – Next steps

Item 8: ANY OTHER BUSINESS (10 minutes)

8.1 – ICANN74 update and planning - GNSO Draft Schedule ICANN74

8.2 - Council expertise survey reminder

8.3 - Working Group Self-Assessment - EPDP on Specific Curative Rights Protections for IGOs - Proposed pilot of updated questions recommended by the CCOICI

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Appendix 1: GNSO Council Voting Thresholds (ICANN Bylaws, Article 11, Section 11.3(i))

See https://www.icann.org/resources/pages/governance/bylaws-en/#article11.

Appendix 2: GNSO Council Absentee Voting Procedures (GNSO Operating Procedures, Section 4.4)

See https://gnso.icann.org/sites/default/files/file/field-file-attach/op-procedures-30jan18-en.pdf

References for Coordinated Universal Time of 13:00 UTC

Local time between March and November in the NORTHERN hemisphere

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California, USA (PDT) UTC-7 06:00

San José, Costa Rica (CST) UTC-6 07:00

New York/Washington DC, USA (EDT) UTC-4 09:00

Buenos Aires, Argentina (ART) UTC-3 10:00

Rio de Janeiro, Brazil (BRT) UTC-3 10:00

London, United Kingdom (BST) UTC+1 14:00

Kinshasa, Democratic Republic of Congo (WAT) UTC+1 14:00

Paris, France (CEST) UTC+2 15:00

Moscow, Russia (MSK) UTC+3 16:00

Singapore (SGT) UTC+8 21:00

Melbourne, Australia (AEDT) UTC+11 23:00

DST starts on Sunday 27 March 2022, 2:00 or 3:00 local time (with exceptions) for EU countries and on Sunday 13 March 2022 for the US.

DST ends on Sunday 30 October 2022 for EU countries, and on Sunday 06 November 2022 for the US.

For other places see http://www.timeanddate.com and https://tinyurl.com/mwkm43zr.